



Reprinted
March 7, 2001

SENATE BILL No. 295

DIGEST OF SB 295 (Updated March 6, 2001 3:03 PM - DI 106)

Citations Affected: IC 15-5; noncode.

Synopsis: Dog attacks. Specifies that a dog owner may be held civilly liable if the owner's dog attacks a person who is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. Provides that a dog owner who recklessly, knowingly, or intentionally fails to restrain the owner's dog commits a class C misdemeanor if the dog attacks a person not on the owner's property. Establishes enhanced penalties for repeat offenses, or if the victim suffers serious injury or death. Provides that a dog owner who knowingly, or intentionally fails to restrain the owner's dog between the hours of 8:00 a.m. and 5:00 p.m. commits a class B misdemeanor if the dog attacks a person on the owner's property and the person is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. Establishes enhanced penalties for repeat offenses or if the victim suffers serious injury or death.

Effective: July 1, 2001.

Simpson

January 11, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

March 1, 2001, amended, reported favorably — Do Pass.

March 6, 2001, read second time, amended, ordered engrossed.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 295

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. If a dog, without
3 provocation, bites any person who is **acting** peaceably ~~conducting~~
4 ~~himself~~ in any place where ~~he~~ **the person** may be required to go for the
5 purpose of discharging any duty imposed: ~~upon him~~
6 (1) by the laws **or Constitution** of ~~this state~~ **the State of Indiana**;
7 ~~or~~
8 (2) by the laws **or Constitution of the United States**; ~~or~~
9 (3) by postal regulations of the United States of America;
10 (4) **by an ordinance adopted by a county or municipality (as**
11 **defined in IC 36-1-2)**; ~~or~~
12 (5) **under the authority of a public utility (as defined in**
13 **IC 8-1-2-1).**
14 The owner of such dog may be held **civilly** liable for any damages
15 suffered by the person bitten, regardless of the former viciousness of
16 such dog, ~~or~~ the owner's knowledge of such viciousness, **or the fact**

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1 **that the bite occurred on the owner's property.**

2 SECTION 2. IC 15-5-12-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) An owner of a
4 dog commits a Class C misdemeanor if the owner recklessly,
5 knowingly, or intentionally fails to take reasonable steps to restrain the
6 dog and:

7 (1) the dog enters property other than the property of the dog's
8 owner; and

9 (2) as the result of the failure to restrain the dog, the dog bites or
10 attacks another person resulting in unprovoked bodily injury to
11 the other person;

12 except as provided in subsection (b).

13 (b) The offense under subsection (a) is:

14 (1) a Class B misdemeanor if the person has been convicted of
15 one (1) previous unrelated violation of this section;

16 (2) a Class A misdemeanor if:

17 (A) the person has been convicted of more than one (1)
18 previous unrelated violation of this section; or

19 (B) the violation results in serious bodily injury to a person;

20 (3) a Class D felony if the owner recklessly violates this section
21 and the violation results in the death of a person; and

22 (4) a Class C felony if the owner intentionally or knowingly
23 violates this section and the violation results in the death of a
24 person.

25 SECTION 3. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2001]: Sec. 3.5. (a) **Except as provided in subsection (b), an**
28 **owner of a dog commits a Class B misdemeanor if:**

29 (1) **the owner knowingly or intentionally fails to take**
30 **reasonable steps to restrain the dog during any day between**
31 **the hours of 8:00 a.m. and 5:00 p.m.;**

32 (2) **the dog bites or attacks a person on the dog owner's**
33 **property during any day between the hours of 8:00 a.m. and**
34 **5:00 p.m.;**

35 (3) **the victim was required to enter the dog owner's property**
36 **during any day between the hours of 8:00 a.m. and 5:00 p.m.**
37 **for the purpose of discharging any duty imposed upon the**
38 **victim:**

39 (A) **by the laws or Constitution of the State of Indiana;**

40 (B) **by the laws or Constitution of the United States of**
41 **America;**

42 (C) **by postal regulations of the United States of America;**



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- 1 (D) by an ordinance adopted by a county or municipality
 2 (as defined in IC 36-1-2); or
 3 (E) under the authority of a public utility (as defined in
 4 IC 8-1-2-1); and
 5 (4) the dog bite or attack results in serious bodily injury to a
 6 person.
 7 (b) The offense under subsection (a) is:
 8 (1) a Class A misdemeanor if the dog owner has a prior
 9 unrelated conviction under:
 10 (A) this section;
 11 (B) section 3(b)(2)(B) of this chapter;
 12 (C) section 3(b)(3) of this chapter; or
 13 (D) section 3(b)(4) of this chapter; or
 14 (2) a Class C felony if the dog bite or attack results in the
 15 death of a person.
 16 SECTION 4. [EFFECTIVE JULY 1, 2001] IC 15-5-12-1 and
 17 IC 15-5-12-3, as amended by this act, and IC 15-5-12-3.5, as added
 18 by this act, apply only to acts committed after June 30, 2001.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete ":".

Page 1, delete line 5.

Page 1, line 6, delete "(2)".

Page 1, run in lines 4 and 6.

Page 2, line 2, after "and" insert ":".

Page 2, reset in roman lines 3 through 4.

Page 2, line 5, reset in roman "(2)".

Page 2, delete lines 21 through 29, begin a new paragraph and insert:

"SECTION 3. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.5. (a) Except as provided in subsection (b), an owner of a dog commits a Class B misdemeanor if:**

(1) the owner knowingly or intentionally fails to take reasonable steps to restrain the dog;

(2) the dog bites or attacks a person on the dog owner's property;

(3) the victim was required to enter the dog owner's property for the purpose of discharging any duty imposed upon the victim by the laws or Constitution of the State of Indiana or by the laws or Constitution of the United States of America, or by postal regulations of the United States of America; and

(4) the dog bite or attack results in serious bodily injury to a person.

(b) The offense under subsection (a) is:

(1) a Class A misdemeanor if the dog owner has a prior unrelated conviction under:

(A) this section;

(B) section 3(b)(2)(B) of this chapter;

(C) section 3(b)(3) of this chapter; or

(D) section 3(b)(4) of this chapter; or

(2) a Class C felony if the dog bite or attack results in the death of a person."

Page 2, line 30, after "IC 15-5-12-1" insert ",".

Page 2, line 30, delete "and".

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Page 2, line 31, delete "both" and insert "**and IC 15-5-12-3.5, all**".
and when so amended that said bill do pass.

(Reference is to SB 295 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 295 be amended to read as follows:

Page 1, line 5, after "imposed" insert ":".

Page 1, line 5, after "him" begin a new line block indented and insert: **"(1)"**.

Page 1, line 6, delete "Indiana" and insert **"Indiana;"**.

Page 1, line 6, before "by" strike "or", begin a new line block indented and insert:

"(2)".

Page 1, line 7, delete "States" and insert **"States;"**.

Page 1, line 7, strike "or", begin a new line block indented and insert:

"(3)".

Page 1, line 8, delete "." and insert ";

(4) by an ordinance adopted by a county or municipality (as defined in IC 36-1-2); or

(5) under the authority of a public utility (as defined in IC 8-1-2-1)." .

Page 1, line 8, begin a new line blocked left beginning with "The".

Page 1, line 11, reset in roman ",."

Page 2, line 30, after "victim" insert ":

(A)".

Page 2, line 30, after "Indiana" delete "or" and insert ";

(B)".

Page 2, line 31, after "America" delete "," and insert ";".

Page 2, line 32, delete "or", begin a new line double block indented and insert:

"(C)".

Page 2, line 32, after "America;", begin a new line double block indented and insert:

"(D) by an ordinance adopted by a county or municipality (as defined in IC 36-1-2); or

(E) under the authority of a public utility (as defined in IC 8-1-2-1);".

Page 3, line 2, after "IC 15-5-12-1" delete "," and insert **"and"**.

Page 3, line 3, delete "and IC 15-5-12-3.5, all".

Page 3, line 3, after "act," insert **"and IC 15-5-12-3.5, as added by this act,"**.

(Reference is to SB 295 as printed March 2, 2001.)

SIMPSON

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SENATE MOTION

Mr. President: I move that Senate Bill 295 be amended to read as follows:

Page 2, line 25, after "dog" insert **"during any day between the hours of 8:00 a.m. and 5:00 p.m."**.

Page 2, line 27, after "property" insert **"during any day between the hours of 8:00 a.m. and 5:00 p.m."**.

Page 2, line 28, after "property" insert **"during any day between the hours of 8:00 a.m. and 5:00 p.m."**.

(Reference is to SB 295 as printed March 2, 2001.)

WATERMAN

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